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JAN 26 2009

BUREAU OF AIR REGULATION

January 23, 2009

Mr. Jeff Koerner, P.E.
New Source Review Administrator
Bureau of Air Regulation
Department of Environmental Protection
Division of Air Resource Management
2600 Blair Stone Road MS 5505
Tallahassee, Florida 32399-2400

Re: Affidavit of Publication of Intent to Issue
Draft Permit No: PSD-FL-403/Project No. 0750088-001-AC
Levy Nuclear Plant
Levy County

Mr. Koerner:

Pursuant to Rule 62-210.350 of the Florida Administrative Code (F.A.C.), Progress Energy Florida, Inc. (PEF) has published the public notice of draft permit in the Levy County Journal for the Levy Nuclear Project. This notice of intent was published on January 15, 2009. Enclosed is an original notarized Affidavit of Publication of the above referenced public notice.

If you have any questions, please contact me at (727) 820-5962. In addition, thank you for your assistance in this matter.

Best regards,

A handwritten signature in black ink that reads "Chris Bradley".

Chris Bradley
Senior Environmental Specialist

Enclosure

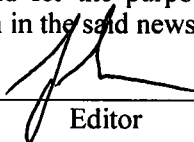
LEVY COUNTY JOURNAL
PUBLISHED WEEKLY
BRONSON, LEVY COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF LEVY:

Before the undersigned authority personally appeared Rick Burnham, who on oath says he is Editor of the LEVY COUNTY JOURNAL, a newspaper published at Bronson, Levy County, Florida; that the attached copy of advertisement,

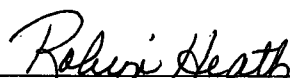
being a Notice of Application for Draft Air Permit
in the matter of Florida Department of Environmental
Protection, Division of Air Resource Management, Bureau of
Air Regulation, for Draft Air Permit No. PSD-FL-403, Progress
Energy Levy Nuclear Plant Cooling Towers
was published in the said newspaper in the issues of:
January 15, 2009

Affiant further says that the said LEVY COUNTY JOURNAL is a newspaper published at Bronson, in said Levy County, Florida, and that the said newspaper has heretofore been continuously published in said Levy County, Florida, each week and has been entered as second class mail matter at the post office in Bronson, in said Levy County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



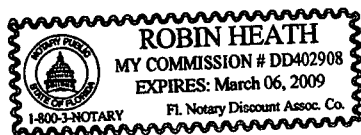
Editor

Sworn to and subscribed before me, and is personally known to me, appeared Rick Burnham, who did take an oath, this
15th day of January, A.D., 2009.



Signature, Notary Public

My commission expires: (SEAL)



**Florida Department of
Environmental Protection
Division of Air Resource
Management, Bureau of
Air Regulation
Draft Air Permit No. PSD-
FL-403 / Project No.
0750088-001-AC
Progress Energy Florida,
Inc., Levy Nuclear Plant
Cooling Tower Project
Levy County, Florida**

Applicant: The applicant for this project is Progress Energy Florida, Inc. The applicant's authorized representative and mailing address is: Daniel Roderick, Vice President, Nuclear Projects, Construction, Progress Energy Florida, Inc., P.O. Box 14042, SA2C, St. Petersburg, Florida, 33733.

Facility Location: Progress Energy Florida, Inc. proposes to construct a new nuclear power plant to be located approximately 4 miles northeast of the town of Ingalls and east of State Highway 19 in Levy County, Florida.

Project: To support new nuclear Units 1 and 2, the applicant proposes to construct and operate two mechanical draft cooling towers, four 4000 kilowatt (kW) emergency standby generators, four 35 kW ancillary emergency generators and two fire pumps. Based on the air permit application, the project will result in potential emissions of: 3.5 tons per year of carbon monoxide (CO); 16.4 tons per year of nitrogen oxides (NOX); 507 tons per year of particulate matter (PM); 6.8 tons per year of particulate matter with a mean diameter of 10 microns or less (PM10); 0.07 tons per year of sulfur dioxide (SO2); and 1.4 tons per year of volatile organic compounds (VOC). Since annual PM emissions are greater than 250 tons/year, the project is subject to the preconstruction review requirements of Rule 62-212.400, Florida Administrative Code (F.A.C.) for the Prevention of Significant Deterioration (PSD) of Air Quality. For each PSD-significant pollutant, the Department is required to determine the Best Available Control Technology (BACT). For the project, only PM emissions exceed the significant emissions rate. The Department's prelimi-

nary BACT determination for PM is: a design drift rate of 0.0005% for the new cooling towers; and the use of ultra low sulfur diesel ($\leq 0.00015\%$ by weight) in the generators and fire pump engines. No air quality modeling was required since the project is not subject to PSD preconstruction review for PM10 emissions.

Permitting Authority: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210 and 62-212, F.A.C. The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Permitting Authority responsible for making a permit determination for this project is the Bureau of Air Regulation in the Department of Environmental Protection's Division of Air Resource Management. The Bureau of Air Regulation's physical address is 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301 and the mailing address is 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Bureau of Air Regulation's phone number is 850/488-0114.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at the physical address indicated above for the Permitting Authority. The complete project file includes the revised Draft Permit, the Technical Evaluation and Preliminary Determination, the application and information submitted by the applicant (exclusive of confidential records under Section 403.111, F.S.). Interested persons may contact the Permitting Authority's project engineer for additional information at the address and phone number listed above. In addition, electronic copies of these documents are available on the following web site: <http://www.dep.state.fl.us/air/eproducts/apds/default.asp>.

Notice of Intent to Issue Air Permit: The Permitting Authority gives notice of its intent to issue an air permit to the applicant for the project described above.

The applicant has provided reasonable assurance that operation of the proposed equipment will not adversely impact air quality and that the project will comply with all applicable provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

Comments: The Permitting Authority will accept written comments concerning the proposed Draft Permit and requests for a public meeting for a period of 30 days from the date of publication of the Public Notice. Written comments must be received by the Permitting Authority by close of business (5:00 p.m.) on or before the end of this 30-day period. In addition, if a public meeting is requested within the 30-day comment period and conducted by the Permitting Authority, any oral and written comments received during the public meeting will also be considered by the Permitting Authority. If timely received comments result in a significant change to the Draft Permit, the Permitting Authority shall revise the Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

Petitions: A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2241). Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed

within 14 days of publication of this Public Notice or receipt of a written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by

the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be different from the position taken by it in this Public Notice of Intent to Issue Air Permit. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation: Mediation is not available in this proceeding.
Pub.: Jan. 15, 2009.